

REMARKS

Applicants have carefully reviewed the Office Action dated April 7, 2005. Claims 1-7 and 9-14 are pending in this application. Applicants have amended Claims 1 and 10 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1, 5, 7, 9-11 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini* in view of *Picco*.

The *Tognazzini* reference has been discussed previously when it was combined with the *Angles* reference. The Examiner has now combined it with a new reference, the *Picco* reference. The Examiner has stated that the *Tognazzini* reference did not explicitly disclose control information that is sent to the user computer for controlling whether to display the advertising information, and has utilized the *Picco* reference to provide such. Applicants believe that, as set forth in the previous response, *Tognazzini* is deficient in that it does not provide the control information in conjunction with the advertising information. All that is disclosed in the *Tognazzini* reference is the content which, upon detection thereof, indicates that advertisement content was transmitted, which advertisement content is then extracted from the transmission and stored for display, based upon the user's preferences. The *Picco* reference, Applicants believe, does not cure the deficiencies in *Tognazzini*, as will be described herein below.

The *Picco* reference is a reference that is directed toward the concept of transmitting to set top boxes broadcast information including local content data, such as advertisements for storage thereat, thus allowing later insertion into a data stream. In Col. 6, beginning at line 24, it is set forth that the set top box is operable to store a portion of data transmitted thereto and then insert the local content into the compressed digital data stream. This allows the local content viewed by each household to be individualized. The claims, as amended, set forth that the control information and the encoded content is decoded in such a manner that the advertisement

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information is basically viewed when it is received at the computer. The purpose of this is such that this advertising content can be relayed from the receiver to the computer and, if the computer is able to decode the information, the computer can be controlled to display this information when received. In order to individualize local content for the digital streaming broadcast in *Picco*, a data stream containing content is broadcast to all potential set top boxes and then only select ones are allowed to select the content. However, the content must be locally stored before it becomes local content and then, at a later time, the local content can be inserted into the digital data stream. There is provided language in Col. 8, as set forth by the Examiner, wherein it is stated that control information can be sent in the digital broadcast. This command and control data is data is set forth as instructing the processor to insert the local content into the satellite data stream. However, it is not a command that is sent forth to instantaneously insert the content but, rather, the command directs it "how to" insert such previously received and stored data. There is no disclosure that would result in the advertising information comprised of content and control information being transmitted to a location, such as a processor, wherein, at substantially the same time that it was received, it would be displayed. Rather, *Picco* teaches away from such a concept in that the content must be extracted for a particular location and the such and stored. Thus, the control information would only be directed to previously stored content and, in fact, it appears that the instructions merely tell it when to insert it and this would be a function of a point in time in a particular program. As such, Applicants believe that the *Picco* reference fails to cure the deficiencies in *Tognazzini* in that there is no disclosure of transmitting advertising information to a remote location for decoding by a user's computer which user computer would then use the advertising content and the control information to effect display of the advertising content at the user location at substantially the same time as the advertising information was received. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1, 5, 7, 9-11 and 13.

Claims 2, 3, 4, 6, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini* in view of *Picco* and further in view of *McKiel*.

The addition of the *McKiel* reference does not cure the deficiencies noted herein above

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with respect to the independent Claims 1 and 10, from which Claims 2, 3, 4, 6, 12 and 14 depend. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 2, 3, 4, 6, 12 and 14.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,736 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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